

REMARKS

I. Introduction

Claims 1-36 are pending in this application, of which claim 1 is independent. Claims 6-17 and 19-36 stand under objection, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-5 and 8 stand rejected.

In this Amendment, claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendment of claim 1 can be found in the written description of the specification.

II. The Rejection of Claims 1-5 and 18

Claims 1-5 and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hamada et al. In the statement of the rejection, the Examiner asserted that Hamada et al. discloses a clock adjusting device which identically corresponds to the claimed subject matter.

Applicants submit that Hamada et al. does not identically disclose a phase error detecting circuit including all the limitations recited in independent claim 1. Specifically, the reference does not disclose, at a minimum, the following limitation:

a cross reference value generator for receiving the phase error data from the phase error calculator and updating the reference value of the cross detector based on the phase error data so that a zero cross point where the reproduced data crosses a zero value is detected with accuracy even when a frequency error between a frequency of the reproduced data and a frequency of a sampling clock for sampling the reproduced data is great.

In the Office Action, the Examiner asserted that paragraph [0081] of Hamada et al. discloses the claimed cross reference value generator, which is reproduced below:

It should be noted that the center value may be a value in which the offset amount is considered similarly to a value supplied to the second phase error calculating

circuit 65, or the fixed center value calculated by the center value calculating circuit 62.

It is apparent that the above paragraph does not disclose a cross reference value generator which is so configured that a zero cross point where the reproduced data crosses a zero value is detected with accuracy even when a frequency error between a frequency of the reproduced data and a frequency of a sampling clock for sampling the reproduced data is great. In fact, the objective of Hamada et al. is to obtain a proper amount of phase errors by adjusting a reference level in the phase error detecting part based on the offset amount of a reproduction signal even if the overall level of the reproduction signal is changed (paragraph [0016]).

In contrast, the objective discussed in the present application is to solve the problem of erroneously detecting a zero cross point when a frequency error between the reproduced data and the sampling clock is greater (the section "PROBLEM TO BE SOLVED" on page 4 of the specification and Fig. 27(b)). Accordingly, Hamada et al. does not disclose, at a minimum, the claimed cross reference value generator configured for updating the reference value of the cross detector based on the phase error data so that a zero cross point where the reproduced data crosses a zero value is detected with accuracy even when a frequency error between a frequency of the reproduced data and a frequency of a sampling clock for sampling the reproduced data is great.

Based on the foregoing, Hamada et al. does not identically disclose a phase error detecting circuit including all the limitations recited in independent claim 1. Dependent claims 2-5 and 18 are also patentably distinguishable over Hamada et al. at least because these claims respectively include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

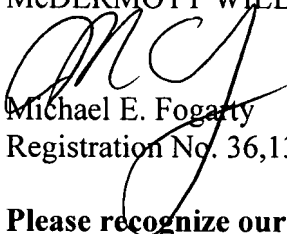
III. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 53080
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:lnm
Facsimile: 202.756.8087
Date: October 1, 2007